



STATE OF MICHIGAN

Jennifer M. Granholm
GOVERNOR

DEPARTMENT OF LABOR & ECONOMIC GROWTH
KEITH W. COOLEY
DIRECTOR

Michigan Occupational
Safety & Health Administration
(MIOSHA)

OCCUPATIONAL HEALTH STANDARDS COMMISSION MEETING

September 12, 2007--9:30 A.M.

**State Secondary Complex, 7150 Harris Drive, Lansing
General Office Building, Conference Room G**

MINUTES

MEMBERS PRESENT:

Mr. Andrew J. Comai
Mr. David Glynn, Vice Chairperson
Ms. Margie Faville, Chairperson
Chief Ricardo Longoria
Mr. Ronald Torbert

MEMBERS ABSENT:

Mr. James B. Cianciolo
Mr. John Miller
Mr. Satyam Talati

DEPARTMENT PERSONNEL PRESENT:

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| Mr. Doug Kalinowski | Director, MIOSHA |
| Mr. John Peck | Director, Management & Technical Services Div. |
| Ms. Marsha Parrott-Boyle | Program Manager, Standards Section |
| Mr. Robert Pawlowski | Director, Construction Safety & Health Division |
| Mr. John Brennan | Director, General Industry Safety & Health Division |
| Mr. Eric Zaban | Consultation, Education & Training Division |
| Ms. Cindy D. Eicher | Secretary, Standards Section |

VISITORS ATTENDING:

None

Agenda Item #1—Call to Order, Roll Call

The September 12, 2007 Occupational Health Standards Commission meeting was called to order by Vice Chairperson Glynn. A roll call was taken and a quorum was not present at this time.

Agenda Item #3—Standards Section Update—Marsha Parrott-Boyle, Program Manager

Ms. Parrott-Boyle reminded the commissioners that MIOSHA is in the fourth year of a five year strategic plan for fiscal years 2004 through 2008. She reviewed with the commission the current progress on standards under revision. OH Part 528 was rescinded effective August 28, 2007 as it is no longer needed after all spray finishing operations were consolidated into GI Part 76. GI Part 39 Design for Electrical Systems was revised effective June 27, 2007 and was distributed to commissioners.

The ergonomics standard work group formed to develop the appendices and resources continues to meet and are close to finishing their product. MIOSHA's CET Division will be designing a web site containing training programs and resources for use by employers. The Latex Advisory Committee is continuing to meet monthly. A survey is being conducted currently to determine the extent of latex glove use in Michigan.

Ms. Parrott-Boyle advised that the CS Part 2 Masonry Wall Bracing Advisory Committee has begun to meet. There have been significant deaths due to walls collapsing and the standard will be updated to bring the standard up to current technology. Commissioner Comai asked for clarification on use of an aerial lift platform. Mr. Robert Pawlowski reviewed the requirements. Discussion was held regarding the public hearing for GI Part 58 Vehicle Mounted Elevating & Rotating Platforms, CS Part 32 Aerial Work Platforms and GI Part 5 Scaffolding.

The OH Part 529 Welding Cutting and Brazing standard is being worked on my staff to bring respiratory protection provisions up to date and in compliance with federal OSHA. This will be brought to the commission for approval at a later date.

Vice Chairperson Glynn turned the meeting over to Chairperson Faville, as Chairperson Faville arrived at the meeting and a quorum was present.

Agenda Item #2—Approval of Minutes for June 13, 2007 Meeting

A motion was made by Commissioner Longoria and was seconded by Commissioner Comai to approve the minutes of the June 13, 2007 Commission meeting.

MOTION CARRIED UNANIMOUSLY.

Agenda Item #4—Old Business**a. Part 350 Carcinogen Revisions -- Marsha Parrott-Boyle**

Ms. Parrott-Boyle reviewed with the commissioners the discussion from the last meeting regarding OH Part 350 Carcinogens and Federal OSHA's removal of lab activity and daily rosters provisions by

court order. In 1973, the 3rd circuit court decided the laboratory provisions should be removed because proper notice was not given and protocol was not followed. Federal OSHA had removed the daily roster because they felt it was not providing any additional value. With regard to the laboratory standards Federal OSHA was to develop a separate rule which for years did not happen. Finally in 1992, OH Part 431 Hazardous Work in Labs was issued and MIOSHA adopted the OSHA standard. Through close review, it was determined that the Part 350 lab provisions are not well covered by Part 431.

At the June commission meeting, this issue was discussed in great detail and tabled due to a request from Dow Chemical requesting the opportunity to speak with the commission before they made a final decision. Mark Spence from Dow was unable to attend this meeting but provided a response. Ms. Parrott-Boyle read Mr. Spence's written comments to the commission. In summary, Dow Chemical felt the laboratory provisions would not cause them any compliance burdens but felt the provisions should be eliminated due to clarification purposes. They felt the daily roster would present significant burden in both paperwork and administrative effort and felt it was sufficiently covered by medical records and hazard communication rule requirements. The commission expressed a consensus that both the daily roster and the laboratory provisions had significant value.

A Motion was made by Commissioner Comai and supported by Commissioner Glynn to keep the current language on daily roster in the carcinogen standard in place. **MOTION CARRIED UNANIMOUSLY.**

After further discussion, a Motion was made by Commissioner Comai supported by Commissioner Longoria to keep the laboratory provisions in the carcinogen standard as is. **MOTION CARRIED UNANIMOUSLY.**

Agenda Item #5—New Business

a. Influenza Pandemic Preparation -- Marsha Parrott-Boyle and Eric Zaban (CET)

MIOSHA has been asked how we are preparing for an influenza pandemic and what the occupational hazards would be. A new release published by federal OSHA earlier in the year was distributed. This was intended to provide general guidance for all type of work places and includes information on how the exposure could occur and how it could be spread. This guidance should used to help identify risk levels and implement appropriate control measure to prevent illness in the workplace. Employers are encouraged to develop workplace practices to deal with the likelihood of a pandemic influenza. Mr. Eric Zaban, an industrial hygienist with the Consultation Education and Training Division gave an overview of how MIOSHA is working to prepare for an influenza pandemic. A state wide committee has been developed and is charged with planning for a possible pandemic. Members are from various departments of state government. They receive reports of what is occurring around the world with regard to influenza pandemic. Sample programs are being developed. They will be providing materials to state departments. OSHA has developed handouts and MIOSHA has provided links to these documents on our web site. Discussion was held on when employees would be required to wear a respirator and requirements when a respirator is worn voluntarily.

b. Lead Exposure Blood Levels – John Peck

Mr. John Peck shared with the commission information regarding lead exposure. This included detailed information regarding blood levels and historical information showing the improvements that have been achieved since the Lead Exposure standards went into effect. Even though the number of Michigan adults who have had their blood tested has increased, the rates of elevated blood levels have decreased.

Agenda Item #6-Constuction S&H Div. Update- Bob Pawlowski, Director

Mr. Bob Pawlowski stated there have been seven fatalities in the construction field investigated by the Construction Safety and Health Division to date this year none of these were health related. By category there were three falls, one electrocution, one struck-by and one crush.

Mr. Pawlowski reviewed with the commissioners the conclusion of a recent significant enforcement case for Maco Concrete, Inc. regarding a fatality related to a trench cave in. Willful violations were issued and the Attorney General made the decision to prosecute due to the history of this type of accident with this employer. A complaint was filed and on April 19th the employer pled no contest. The sentencing was held May 31st; the maximum penalty of \$10,000 was given.

The CSHD now has posted on the MIOSHA website 22 "Construction Fact Sheets". The latest one relating to health posted is Cadmium Exposure in Construction, General Industry and Agriculture.

Mr. Pawlowski advised the CSHD now has a direct website address to take you directly to the division's homepage at www.michigan.gov/mioshaconstruction.

On September 5, 2007 MIOSHA signed their fourth partnership in construction with Barton Malow/Skanska. Currently discussions are being held on a possible partnership with Detroit Edison with respect to the Monroe Power plant. A listing of all current partnerships and alliances was provided

The CSHD is currently in the process of filling one safety supervisor position. Mr. Pawlowski advised that CSHD currently has 4 positions open, two safety supervisor positions and two field compliance safety officer positions. Some positions are on hold due to budget issues.

Agenda Item #7—General Industry Safety & Health Division Update—John Brennan, Director

Mr. Brennan informed the Commissioners that there have been 13 fatalities under the GI jurisdiction so far in 2007. Mr. Brennan reviewed the recent fatalities in detail. None of these were related to occupational health issues.

Mr. Brennan stated he has reassigned one staff member to the employee discrimination section. Under the strategic plan attempted to resolve 75% of all discrimination cases within 90 days. Last month was the first time the 75% goal has been achieved.

Mr. Brennan advised they have reinspected 124 employers in certain SIC codes that had five or more previous serious hazard citations. Upon reinspection 59 of these employers have shown a decrease in serious hazards and 50 companies had less than 5 serious and showed improvements in safety and health practices.

Mr. Brennan reviewed three recent significant enforcement cases in which penalties of over \$100,000 were issued.

Mr. Brennan discussed a Federal OSHA initiative targeting popcorn flavoring. The GISHD is continuing with tree trimming and landscaping initiatives. Take a Stand Day was conducted on August 15, 2007. GISHD has sent out over 5,600 letters to companies advising they are on the division's targeting list for wall to wall inspections and offered CET services to these employers.

The division's newest initiative will be sending letters out to employers on open surface tank requirements. Staff will pull out all companies that were cited within the last 5 years and will send them a letter explaining the change in the standard and offering CET services if they need assistance to comply with the changes in the standard.

Mr. Brennan advised there have been no changes to staffing since last meeting.

Agenda Item #8—MIOSHA Update – Doug Kalinowski, Director, MIOSHA

Mr. Doug Kalinowski discussed the state budget briefly. Mr. Kalinowski advised that federal funding for state plans (Michigan is one of 26 states and territories included) have only received a 3 % increase over a period of 7 years, not even keeping up with inflation. Commissioners received a copy of 2007 Special Report Impact and Funding of State Occupational Safety and Health Programs.

The "Connecting MIOSHA to Industry" initiative continues. MIOSHA's goal is to have every interaction we have with an employer or employee be educational. In addition to the comment cards being given to customers supervisors have been going out with their staff to observe interactions and provide feedback.

MIOSHA's Training Institute will be rolling out state wide courses this fall. There are 66 seminars under both GI and CS certificate programs. MIOSHA staff continues to work on new courses and on standards curriculum. Mr. Kalinowski distributed an overview which included a listing of available courses. Certificates will be issued after attendees pass a test. Advanced levels of certification are under development and will be presented in October 2007.

Agenda Item #9—Next Meeting/Proposed 2008 Schedule

The next meeting will be held on December 12, 2007 at the General Office Building, 7150 Harris Drive, Lansing in Conference Room B at 9:30. Proposed dates for the 2008 calendar year were distributed to commissioners.

Agenda Item #10—Public Comment

None

Agenda Item #11—Adjournment

A motion was made by Commissioner Glynn and was seconded by Commissioner Longoria that with no further business before the Commission, the meeting be adjourned.

MOTION CARRIED UNANIMOUSLY

Ms. Margie Faville, Chairperson

Date